

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

B.P.J., by her next friend and mother,  
HEATHER JACKSON,

*Plaintiff,*

vs.

Civil Action No. 2:21-cv-00316  
Hon. Joseph R. Goodwin

WEST VIRGINIA STATE BOARD OF  
EDUCATION; HARRISON COUNTY BOARD  
OF EDUCATION; WEST VIRGINIA  
SECONDARY SCHOOL ACTIVITIES  
COMMISSION; W. CLAYTON BURCH in his  
official capacity as State Superintendent; and,  
DORA STUTLER in her official capacity as  
Harrison County Superintendent,

*Defendants.*

**STATE OF WEST VIRGINIA’S UNOPPOSED MOTION TO INTERVENE AND FOR  
PROPOSED RESPONSE DEADLINE**

The State of West Virginia, by its Attorney General, (the “State”) respectfully moves to intervene to defend the constitutionality of the state statute challenged in this case and for the Court to set June 25, 2021, as the deadline for the State to respond to Plaintiff’s Motion for Preliminary Injunction, with a reply deadline for Plaintiff of July 2, 2021. The reasons for granting the motion are set forth in the State’s accompanying memorandum of law, which is incorporated by reference. *See* Fed. R. Civ. P. 24. The State seeks to intervene for sole and limited purpose of defending the challenge statute and does not waive its right to sovereign immunity.

Respectfully submitted,

**THE STATE OF WEST VIRGINIA,**

**PATRICK MORRISEY  
ATTORNEY GENERAL OF WEST VIRGINIA**

*/s/ Curtis R. A. Capehart*

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